

## **BILL ANALYSIS**

C.S.H.B. 2783  
By: Anchia  
Energy Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Building energy codes provide the cheapest, most cost-effective strategy for helping meet our future energy needs while accommodating economic and population growth. The 2009 International Energy Conservation Code (IECC) is a national, consensus-based model code that provides a level playing field for builders and a common foundation for manufacturers and suppliers. The 2009 IECC is expected to result in significant energy savings and related emissions reductions, estimated at 12 to 15 percent annual improvement for an average home, with higher reductions in air conditioning electrical use.

In the past three years, a growing number of cities, including Dallas, Houston, and Austin, and many smaller cities have adopted more recent model codes than the current state minimum and, most importantly, have amended those codes to increase required energy savings to satisfy policy interests and public expectation, resulting in a patchwork of unique requirements.

C.S.H.B. 2783 updates the Health and Safety Code to be in line with the updated International Energy Conservation Code for single-family and duplex residential construction and all other residential, commercial, and industrial construction. The bill adopts the updated code provisions beginning January 1, 2012.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2783 reenacts and amends Section 388.003, Health and Safety Code, as amended by Chapters 262 (S.B. 12) and 939 (H.B. 3693), Acts of the 80th Legislature, Regular Session, 2007, to establish that the energy efficiency provisions of the International Residential Code, as it existed on May 1, 2001, adopted as the energy code in Texas for single-family residential construction are also for duplex residential construction. The bill adopts the energy efficiency provisions of the International Residential Code, as it existed on May 1, 2009, as the energy code in Texas for single-family and duplex residential construction beginning January 1, 2012. The bill establishes that, for the purposes of energy code compliance under the limited statutory warranties and building and performance standards under state law, and inspections of new residential construction required under state law, the adopted energy efficiency provisions of the International Residential Code for single-family and duplex residential construction control for such construction located in unincorporated areas not in the extraterritorial jurisdiction of a municipality. The bill establishes that this provision prevails to the extent of any conflict with any other law.

C.S.H.B. 2783 adopts the International Energy Conservation Code, as it existed on May 1, 2009, as the energy code in Texas for all other residential, commercial, and industrial construction beginning January 1, 2012. The bill adds procedures to ensure that approved energy efficiency

program verifiers perform inspections and enforce code provisions to the procedures that a municipality must establish. The bill prohibits local amendments from resulting in less stringent overall energy efficiency requirements than the energy efficiency chapter of the International Residential Code or the International Energy Conservation Code, rather than prohibiting the amendments from resulting in less stringent energy efficiency requirements in nonattainment areas and in affected counties than either code. The bill removes the authority of the Energy Systems Laboratory at the Texas Engineering Experiment Station of The Texas A&M University System to recommend, for the purpose of establishing uniform requirements throughout a region and on request of a council of governments, a county, or a municipality, a climatically appropriate modification or a climate zone designation for a county or group of counties that is different from the climate zone designation in an unamended energy code. The bill requires each municipality, and each county that has established procedures to adopt local amendments to the International Energy Conservation Code and the energy efficiency provisions of the International Residential Code, to periodically review and consider revisions made by the International Code Council to the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code adopted after May 1, 2009, rather than May 1, 2001.

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2783 differs from the original by establishing that the energy efficiency provisions of the International Residential Code as it existed on May 1, 2001, adopted as the energy code in Texas for single-family residential construction are also for duplex residential construction. The substitute adopts the energy efficiency provisions of the International Residential Code as it existed on May 1, 2009, as the energy code in Texas for single-family and duplex residential construction beginning January 1, 2012, whereas the original adopts those provisions for single-family residential construction beginning with the bill's effective date. The substitute adds a provision not in the original to establish that adopted energy efficiency provisions control for certain purposes for single-family and duplex residential construction located in unincorporated areas not in the extraterritorial jurisdiction of a municipality and that this provision prevails to the extent of any conflict with any other law.

C.S.H.B. 2783 adopts the International Energy Conservation Code, as it existed on May 1, 2009, as the energy code in Texas for all other residential, commercial, and industrial construction beginning January 1, 2012, whereas the original adopts that code beginning with the bill's effective date. The substitute differs from the original by removing language that made the provision prohibiting local code amendments from resulting in less stringent overall energy efficiency requirements relate only to requirements in nonattainment areas and in affected counties.